

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:09CV7

**MS. PEG YEATES (ACTING POWER
OF ATTORNEY) [FOR] MORGAN J.
CODY (SOLE HEIR) OF MRS.
MARGARET H. BOYLE,**

Plaintiff,

Vs.

**JOHANNA SCHNEIDER, 12
Fairway Dr., Asheville, N.C.
28805-2406,**

Defendant.

ORDER OF DISMISSAL

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed May 20, 2009.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Magistrate Judge was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On May 20, 2009, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation that this matter be dismissed due to the lack of standing of either Plaintiff Yeates or Morgan Cody. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 10 days of service of the Recommendation; the period within which to file objections expired on June 8, 2009. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that this case be dismissed due to lack of standing of either Peg Yeates or Morgan Cody.

IT IS, THEREFORE, ORDERED that this matter is hereby
DISMISSED WITHOUT PREJUDICE.

Signed: June 12, 2009



Lacy H. Thornburg
United States District Judge

